

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:19-cv-12551 FDS

Hon. F. Dennis Saylor IV

DEFENDANT GOOGLE LLC'S MOTION FOR A PROTECTIVE ORDER

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure and the Court's inherent authority, Defendant Google LLC ("Google"), by and through its attorneys, moves this Court for a Protective Order requiring Plaintiff Singular Computer LLC ("Singular") to abide by the parties' prior meet-and-confer discussions and the Court's ruling concerning the scope of testimony Google is to provide in response to Singular's Rule 30(b)(6) deposition notice, and admonishing Singular's counsel to refrain from improper conduct during any forthcoming depositions.

As stated more fully in the attached memorandum, Singular has effectively taken the position that it can demand testimony on the "full scope" of multiple topics in the operative Rule 30(b)(6) notice notwithstanding that those topics were narrowed by agreement of the parties or resolution, after briefing, by the Court at the June 30, 2021 hearing. Singular's position contravenes the Court's instructions and the parties' agreements, and also demands testimony that is irrelevant, unduly burdensome, and not proportionate to the needs of the case. Singular has further engaged in improper conduct at depositions, including by insulting witnesses and counsel, attempting to violate the Stipulated Protective Order, and instructing witnesses to ignore counsel's instructions. For the reasons set forth in the attached memorandum, Google's requested Protective Order is warranted to allow discovery in this case to proceed in the manner that the Federal Rules of Civil Procedure require.

//

Respectfully submitted,

Dated: July 21, 2021

By: /s/ Nathan R. Speed

Gregory F. Corbett (BBO #646394)
gregory.corbett@wolfgreenfield.com
Nathan R. Speed (BBO # 670249)
nathan.speed@wolfgreenfield.com
Elizabeth A. DiMarco (BBO #681921)
elizabeth.dimarco@wolfgreenfield.com
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210
Telephone: (617) 646-8000
Fax: (617) 646-8646

Asim Bhansali (*pro hac vice*)
abhansali@kblfirm.com
KWUN BHANSALI LAZARUS LLP
555 Montgomery Street, Suite 750
San Francisco, CA 94111

Matthias Kamber (*pro hac vice*)
mkamber@keker.com
KEKER, VAN NEST & PETERS LLP
633 Battery Street
San Francisco, CA 94111-1809

Attorneys for Defendant Google LLC

LOCAL RULE 7.1(a)(2) CERTIFICATION

I, Matthias Kamber, counsel for Defendant, hereby certify that counsel for Defendant met and conferred with counsel for Plaintiff on July 20, 2021, at the deposition for Kamran Shafiei, in a good faith attempt to resolve or narrow the issues raised in the attached memorandum. The parties were unable to resolve their dispute during the conference.

/s/ Matthias Kamber

Matthias Kamber

LOCAL RULE 37.1(b) CERTIFICATION

I, Matthias Kamber, counsel for Defendant, hereby certify that the provisions of Rule 37.1 have been complied with.

/s/ Matthias Kamber

Matthias Kamber

CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Matthias Kamber

Matthias Kamber